



# CCA

## Nondiscrimination Procedures



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## CCA NONDISCRIMINATION NOTICE

The Commonwealth Charter Academy is committed to equal opportunity for all members of the school community. Students and employees are protected from discrimination on the basis of race, color, national origin, age, sex, religion, gender identity, sexual orientation, homelessness, or disability in admission to, access to, treatment in, or employment in its programs and activities. The Commonwealth Charter Academy is also committed to maintaining a school and work environment that is free of harassment based on race, color, national origin, age, sex, religion, gender identity, sexual orientation, homelessness, or disability. Harassment includes physical or verbal conduct that is derogatory; this may include jokes, gestures, unsolicited remarks, or other behavior that creates an intimidating or offensive working or learning environment.

Commonwealth Charter Academy does not discriminate on the basis of disability in violation of § 504 and its implementing regulations. Specifically, CCA does not discriminate on the basis of disability with regard to admission or access to education services, treatment, or employment in its programs or activities. CCA has designated the Director of Special Education or Designee to coordinate its efforts to comply with § 504 and its implementing regulations.

Any person having inquiries concerning the CCA's compliance with the regulations implementing Title VI, Title IX, Section 504, ADA, or Chapter 14, or Chapter 711 is directed to contact, the Director of Special Education or Designee who has been designated by CCA to coordinate CCA's efforts to comply with the regulations implementing Title VI, Title IX, Section 504, ADA, and Chapter 14, or Chapter 711 or write to the Office for Civil Rights **U.S. Department of Education, The Wanamaker Building, 100 Penn Square East, Suite 515 Philadelphia, PA 19107-3323**



# OVERVIEW

## SECTION 504

**Section 504 of the Rehabilitation Act of 1973 (Section 504) is a civil rights statute** that aims at preventing discrimination against individuals with disabilities in programs that receive direct or indirect federal funds.

Under Section 504, an individual with a disability is defined as a person who: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

A student is eligible to receive Section 504 accommodations if he or she has been evaluated and found to have a physical and/or mental impairment that substantially limits a major life activity and needs accommodations/services.

Section 504 is a non-funded federal law. All funds necessary for Section 504 requirements are the Charter School's responsibility.



## Section 504 Coordinator

The Section 504 Coordinator for CCA is the Director of Special Education or Designee. His/her contact information is available on the CCA website at [www.ccaeducate.me](http://www.ccaeducate.me)

Responsibilities of the Section 504 Coordinators include the following:

- Establish and monitor of Section 504 identification/evaluation and review process for students with disabilities.
- Maintain data on Section 504 referrals.
- Direct and oversee the annual review for each Section 504-eligible student plan.
- Provide awareness and training activities concerning Section 504 requirements.
- Implement Section 504 grievance procedures for complaints of discrimination
- Knowledge of special education and the Response to Intervention (RtI) process.
- Work in partnership with teachers and administrators involved in providing services to students with disabilities.
- Serve as a CCA liaison with the State Section 504 Coordinator.
- Serve as the CCA liaison with the regional Office for Civil Rights.



## Grievance Procedure

### Section I

If any person believes that the school or any of the school's staff have discriminated against a student or individual based on disability, he/she may bring forward a complaint, which shall be referred to as a grievance to the Section 504 Coordinator. CCA's grievance procedures are to provide for a prompt and equitable resolution of a complaint.

The complainant may file a complaint with the regional Office for Civil Rights (OCR) at any time before or during the school grievance procedure. Information about filing a complaint with the Office of Civil Rights is available on the OCR website located at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Certain complaints alleging § 504 discrimination against students may be pursued through mediation or due process proceedings available through the Office of Dispute Resolution (ODR). Information about filing for mediation or due process is available on the ODR website located at [www.odr-pa.org](http://www.odr-pa.org).

### Section 2

A Section 504 Coordinator, on request, will provide a copy of the school's grievance procedure and the grievance form.

#### *Grievance Step 1*

The complainant shall complete and sign a grievance form and submit it to the Section 504 Coordinator. The Section 504 Coordinator shall investigate the matters of grievance interviewing the complainant, any respondent, and any witnesses and obtaining any documentation that the Section 504 Coordinator determines will be useful to the investigation. The Section 504 Coordinator shall complete the investigation and issue a written report and decision regarding



whether unlawful discrimination has occurred. Barring unusual circumstances, the investigation shall be completed within 10 business days.

### **Grievance Step 2**

If the complainant wishes to appeal the decision of the school Section 504 Coordinator, he/she may submit a signed statement of appeal to the CEO within 5 business days after receipt of the coordinator's decision. The CEO shall have the discretion to, but need not, meet with parties or witnesses or review documentation. Barring unusual circumstances, the CEO shall issue a decision on the appeal within 10 business days.

### **Grievance Step 3**

If the complainant remains dissatisfied, he/she may submit a final appeal through a signed written statement to the CCA's Board of Directors (the Board) within 10 business days of his/her receipt of the CEO's decision on an appeal. In an attempt to resolve the grievance, the Board shall meet with the concerned parties and their representative within 40 days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within 10 business days of this meeting. The Board's decision shall be final.



SECTION 504 GRIEVANCE FORM

Date: \_\_\_\_\_

Name of Grievant: \_\_\_\_\_ Title: \_\_\_\_\_

School: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Summary of Grievance**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When did the incident occur? \_\_\_\_\_

\_\_\_\_\_

If others are affected by the possible violation, please give their names and/or positions.

\_\_\_\_\_  
\_\_\_\_\_

Suggested solution to problem \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please describe any corrective action you would like to see taken with regard to the possible violation. You may also provide other information relevant to this grievance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Grievant

Date

Signature of Section 504 Coordinator

Date



## **Annual Public Notice of Special Education Services and Programs and Services for Protected Handicapped Students**

### **Notice to Parents**

According to state and federal special education regulations, annual public notice to parents of children who reside within Pennsylvania is required regarding child find responsibilities. CCAs is required to conduct child find activities for children who may be eligible for services via Section 504 of the Rehabilitation Act of 1973. For additional information related to Section 504/Chapter 15 services, parents may refer to Section 504, Chapter 15, and the Pennsylvania Department of Education Basic Education Circular entitled Implementation of Chapter 15. Information may be found on the Pennsylvania Department of Education website at [www.education.pa.gov](http://www.education.pa.gov).

This notice informs parents of the child identification activities and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities or eligible young children. In addition to this public notice, each school CCA, intermediate unit, and charter school shall publish written information in the handbook and on the web site.

Children age three through twenty-one can be eligible for special education programs and services. If parents believe that their child may be eligible for special education, the parent should contact the staff member listed at the end of this public notice.

Children age three through the age of admission to first grade are also eligible if they have developmental delays and, as a result, need Special Education and related services. Developmental delay is defined as a child who is less than the age of beginners and at least 3 years of age and is considered to have a developmental delay when one of the following exists: (i) The child's score, on a developmental assessment device, on an assessment instrument which yields a score in months, indicates that the child is delayed by 25% of the child's chronological age in one or more developmental areas. (ii) The child is delayed in one or more of the developmental areas, as documented by test performance of 1.5 standard deviations below the mean on standardized tests. Developmental areas include cognitive, communicative, physical, social/emotional and self-help. If you think your preschool child (child ages 3-5) may need early intervention services, please contact the Intermediate Unit for your area. Information about Pennsylvania's 29 Intermediate Units is available at the website of the Pennsylvania Association of Intermediate Units located at <https://www.paiu.org/ius.php>

### **Evaluation Process**

CCA has a procedure in place by which parents can request an evaluation. For information about procedures applicable to your child, contact Director of Special Education, whose telephone number and email address can be found at the end of this notice. Parents of preschool age children, age three through five, may request an evaluation in writing by addressing a letter to the Intermediate Unit in which they reside.

### **Consent**

CCA cannot proceed with an evaluation, or with the initial provision of special education and related services, without the written consent of the parents. For additional information related to consent,

please refer to the Procedural Safeguards Notice which can be found at the PaTTAN website, [www.Pattan.net](http://www.Pattan.net). Once written parental consent is obtained, CCA will proceed with the evaluation



process. If the parent disagrees with the evaluation results, the parent can request an independent education evaluation at public expense.

### **Program Development**

Once the evaluation process is completed, a team of qualified professionals and parents determine whether the child is eligible. If the child is eligible, the Individualized Education Program team meets, develops the program, and determines the educational placement. Once the IEP team develops the program and determines the educational placement, CCA staff will issue a Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN). Your written consent is required before initial services can be provided. The parent has the right to revoke consent after initial placement.

### **Confidentiality of Information:**

CCA maintain records concerning all children enrolled in CCA, including students with disabilities. All records are maintained in the strictest confidentiality. Your consent, or consent of an eligible child who has reached the age of majority under state law, must be obtained before personally identifiable information is released, except as permitted under the Family Education Rights and Privacy Act (FERPA). The age of majority in Pennsylvania is age

21. Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information.

For additional information related to student records, parents can refer to the Family Education Rights and Privacy Act (FERPA).

This notice is only a summary of the Special Education services, evaluation and screening activities, and rights and protections pertaining to children with disabilities, children thought to be disabled, and their parents. **For more information or to request evaluation or screening of a public or private school child, e-mail the Director of Special Education, Paulie Zozos, [pzozos@ccaeducate.me](mailto:pzozos@ccaeducate.me) or call 717-710-3300. For preschool age children, information may be obtained and screenings and evaluations may be requested by contacting the Intermediate Unit.**



## **BULLYING AND HARASSMENT OF STUDENTS**

Bullying and harassment of students by students, school employees and volunteers who have direct contact with students will not be tolerated. CCA is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, CCA's Board of Directors (the "Board") has adopted this Policy Against Bullying and Harassment of Students.

The board prohibits harassment, bullying, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, including race, color, creed, gender, national origin, religion, age, or disability.

This policy is in effect while students or employees are on property within the jurisdiction of the board; while in school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from activities and/or school grounds if the misconduct directly affects the good order, efficient management, and welfare of its students.

If a student is found to be in violation of this policy after an investigation, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion. If a school employee is found to be in violation of this policy after an investigation, the employee shall be disciplined by appropriate measures up to, and including, termination. If a school volunteer is found to be in violation of this policy after an investigation, the volunteer shall be subject to appropriate measures up to, and including, exclusion from school grounds.

Harassment and bullying may involve any electronic, written, verbal, or physical act or conduct toward a student that is based on any actual or perceived trait or characteristic of the student and that creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property.
- Has a substantially detrimental effect on the student's physical or mental health.
- Has the effect of substantially interfering with the student's academic performance.
- Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Electronic means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. Electronic includes but is not



limited to communication via electronic mail, internet-based communications, (including posts on social media) pager service, cell phones, electronic text messaging, or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Verbal, nonverbal, physical, or written conduct or behavior that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim
- Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim
- Implied or explicit threats concerning one's grades, achievements, property, etc. that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim
- Demeaning jokes, stories, or activities directed at the student that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim
- Unreasonable interference with a student's performance or creation of an intimidating, offensive, or hostile learning environment.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when

- Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
- Submission to or rejection of the conduct by a school employee is used as the basis for academic decisions affecting that student; or
- The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment.

In situations between students and school officials, faculty, staff, or volunteers who have direct contact with students, bullying and harassment may also include the following behaviors:

- Requiring that a student submit to bullying or harassment by another student, either explicitly or implicitly, as a term or condition of the targeted student's education or participation in school programs or activities
- Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.

Retaliation against any person because the person has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding is also prohibited.

Individuals who knowingly file false harassment complaints and any person who gives false statements in an investigation shall be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy. A student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school activities and/or grounds. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.



CCA will promptly and reasonably investigate allegations of bullying or harassment. They will be responsible for handling all complaints by students alleging bullying or harassment.

It also is the responsibility of the CEO, in conjunction with the designated investigator and principals, to develop procedures regarding this policy.

The CEO is also responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. The training will include how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies. The CEO will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment. As part of this evaluation, the CEO will determine what additional training, if any, is necessary to improve effectiveness of the policy and procedures. The CEO shall annually report to the Board on the progress of reducing bullying and harassment. The CEO will make recommendations to modify this policy and/or its accompanying procedures to ensure they are effective.

All documentation associated with a complaint shall be maintained by the building principal for a period of three years. The CEO is responsible for monitoring the written records to ensure the policies and procedures are being followed.

The Board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in the student handbook,
- Inclusion in the employee handbook
- Inclusion in the registration materials
- Inclusion CCA's website with copies provided to any person upon request at the central administrative office

### **ANTI-BULLYING/HARASSMENT INVESTIGATION PROCEDURES**

Individuals who feel that they have been harassed or bullied should do the following:

- If the individual is comfortable doing so, communicate to the harasser that the individual expects the behavior to stop. If the individual wants assistance communicating with the harasser/bully, the individual should ask a teacher, counselor, or principal to help.
- If the harassment/bullying does not stop, or the individual does not feel comfortable confronting the harasser/bully, the individual should
  - tell a teacher, counselor, or principal and
  - write down exactly what happened, keep a copy, and give another copy to the teacher, counselor, or principal including
    - what, when, and where it happened;
    - who was involved;
    - exactly what was said or what the harasser/bully did;



- witnesses to the harassment/bullying;
- what the student said or did, either at the time or later;
- how the student felt; and
- how the harasser/bully responded.

Teachers or counselors receiving a report, or who witness bullying or harassment, must report the incident to the principal by the end of the school day in which the event occurred, but in no case later than the morning of the next school day.

### **RESOLUTION OF THE COMPLAINT**

Following the completion of his/her own investigation or upon receipt of an alternate investigator's report, the principal may investigate further, if deemed necessary, and make a determination of any appropriate additional steps, which may include discipline.

The principal will file a written report closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The remedial actions taken by the principal, including disciplinary action where appropriate, should be designed to prevent further harassment. The principal, or designee, will monitor the effectiveness of the remedial actions taken by contacting the complainant at least twice during the month following investigation resolution. These contacts should be included in the documentation. If further remedial actions are necessary, the case shall remain open with ongoing monitoring and documentation. The complainant, the alleged harasser and the investigator will receive notice as to the conclusion of the investigation. The principal will maintain a log of all complaints, findings, and actions taken, and will maintain all documentation related to a complaint investigation for three years. The principal will annually report the number and type of complaints investigated under this policy and the results, including disciplinary actions taken and the effectiveness of those actions as measured by required follow-up contacts, to the CEO.

### **POINTS TO REMEMBER IN THE INVESTIGATION**

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against the complainant/individuals involved in the investigation process.
- Retaliators will be disciplined up to and including suspension and expulsion.

### **CONFLICTS**

If the investigator is a witness to the incident, the alternate investigator shall investigate.

### **MONITORING EFFECTIVENESS**

The CEO will review the documentation supplied by principals annually and report to the Board of Education. In the review, the CEO will report the number and type of complaints filed under this policy with comparative data from previous years as it becomes available. The CEO will also report the results of the follow-up contacts with complainants as a gauge of the effectiveness of the investigations and subsequent actions. The report may also include CCA-wide or individual grade level survey results related to bullying and harassment.



**ANTI-HARASSMENT/BULLYING FORMAL COMPLAINT FORM**

Name of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser or bully: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

Description of misconduct: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Evidence of harassment or bullying, i.e., letters, photos, etc. (attach evidence if possible):  
\_\_\_\_\_  
\_\_\_\_\_

Any other information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**ANTI-HARASSMENT/BULLYING WITNESS STATEMENT FORM**

Name of witness:

\_\_\_\_\_

Position of witness:

\_\_\_\_\_

Date of testimony, interview:

\_\_\_\_\_

Description of incident witnessed:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other information:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



## TERMINOLOGY

The following terms may be confusing and/or are frequently used incorrectly in the elementary and secondary school context.

**Equal access:** equal opportunity of a qualified person with a disability to participate in or benefit from educational aid, benefits, or services

**Free appropriate public education (FAPE):** a term used in the elementary and secondary school context; for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards

**Placement:** a term used in the elementary and secondary school context; refers to regular and/or special educational program in which a student receives educational and/or related services

**Reasonable accommodation:** a term used in the employment context to refer to modifications or adjustments employers make to a job application process, the work environment, the manner or circumstances under which the position held or desired is customarily performed, or that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment; this term is sometimes used incorrectly to refer to related aids and services in the elementary and secondary school context or to refer to academic adjustments, reasonable modifications, and auxiliary aids and services in the postsecondary school context

**Reasonable modifications:** under a regulatory provision implementing Title II of the ADA, public entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity

**Related services:** a term used in the elementary and secondary school context to refer to developmental, corrective, and other supportive services, including psychological, counseling and medical diagnostic services and transportation